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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,612	06/09/2006	Stefan Arns	246.1002	4578
20311 7590 11/27/2009 LUCAS & MERCANTI, LLP 475 PARK AVENUE SOUTH 15TH FLOOR NEW YORK, NY 10016				
EXAMINER YUSUF, MOHAMMAD I				
ART UNIT		PAPER NUMBER		
3725				
NOTIFICATION DATE		DELIVERY MODE		
11/27/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

info@lmiplaw.com

### Office Action Summary

**Application No.**

10/562,612

**Applicant(s)**

ARNS ET AL.

**Examiner**

MOHAMMAD YUSUF

**Art Unit**

3725

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20-22 and 24-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-22 and 24-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Applicant's arguments, see page 9 of remarks, filed 16th July 2009, with respect to the rejection(s) of claim(s) 20 (after amendment) under 35 U.S.C. 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection under 35 U.S.C. 103(a) is made over Yoshikawa (US 5,339,665) in view of view of Kohno (US 6,085,520).

### *Claim Rejections - 35 USC § 103*

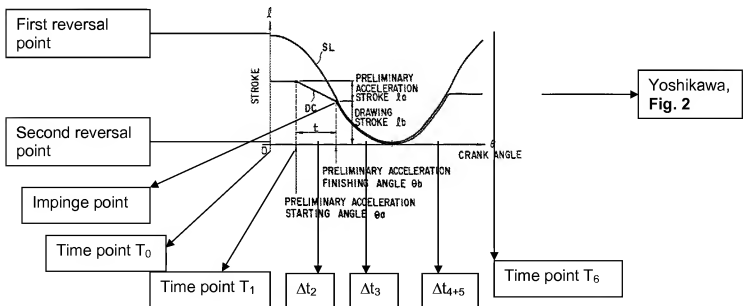
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 20-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikawa (US 5,339,665, cited by applicant), in view of Kohno (US 6,085,520).  
In regard to **claim 20**, Yoshikawa discloses:

A device (fig. 1, control unit body 14) for controlling a drawing process in a transfer press (title), with two tool parts (fig. 1, slide 10 and die cushion 4) which act in opposition to one another and between which a workpiece (fig. 1, W) to be deformed is held and of which one tool part (fig. 1, slide 10), in particular a negative mold (fig. 1, upper mold 23 attached to slide 10), can be moved between two reversal points (fig. 1,

slide 10 moves between two points), of which tool parts the first is assigned to the commencement of a work cycle (fig.2, shows the stroke cycle SL of slide 10 and attached upper mold 23), by a mechanical crank mechanism (fig. 2, crank angle  $\theta$  of the horizontal axis of the graph is read from a crank mechanism) driven at a constant rotational speed (fig. 2, between each infinitesimally small time segment the rotation speed is inherently constant), and of which the second tool part (fig. 1, die cushion 4), in particular a drawing cushion (fig. 1, die cushion 4), is connected via a piston rod (fig. 1, 7a) to the piston (fig. 1, 7b) of a hydraulic differential cylinder (fig. 1, hydraulic cylinder 7), wherein the movement of the piston is controlled by the supply of pressure medium into a first chamber (fig. 1, 7<sub>1</sub>) and by the discharge of pressure medium out of a second chamber (fig. 1, 7<sub>2</sub>) of the differential cylinder, and in which, during a first time segment (fig. 2,  $\Delta t_2$  shown below in the attached figure) which extends within a range delimited by the first and the second reversal point (shown below), the rod-side face of the piston is acted upon by a pressure (fig.1, pressure in chamber 7<sub>1</sub>) which is sufficiently high to



accelerate the second tool part (fig. 2 the path of die cushion 4 is DC, shown above) in such a way that, when the first tool part (fig. 2, the path of slide 10 is SL, shown above) and the second tool part impinge one onto the other (fig. 2, impingement point shown above), both tool parts move at virtually the same speed (the speed of DC and SL are nearly same), and in which a controllable throttle arranged between a bottom-slide chamber of the differential cylinder and a tank determines the pressure in the bottom-side chamber (fig.1, servo valve 22, between second chamber  $7_2$  and the tank below pump 8, controls the pressurized oil flow in to chamber  $7_2$ ), wherein, in a second time segment (fig. 2,  $\Delta t_3$  shown above) which follows the first time segment ( $\Delta t_2$ ) and extends until the second reversal point (fig. 2, shown above) is reached, the rod-side face of the piston (fig. 1, chamber  $7_1$ ) is acted upon by a second pressure which is lower than the pressure during the first time segment (fig. 1 and column 6, lines 3-24, the pressure in chamber  $7_1$ , is increased by activating servo motor 22 in order to gain preliminary acceleration of the die cushion 4, shown above in first time segment  $\Delta t_2$ , but when the slide 10 contacts die cushion 4, the servo motor 22 is stopped. Now in the second time segment  $\Delta t_3$ , the die cushion is moved down, drawing stroke, by the slide 10 and the volume inside chamber  $7_1$  is increasing, which in turn reduces the pressure inside).

**Yoshikawa fails** to disclose two pressure accumulators. **However, Kohno discloses** two pressure accumulators [fig. 2A, accumulators 216 and 220] of which one is charged to the first pressure [accumulator 216 connected to high-pressure; column 7, lines 29-31] and the second is charged to the second pressure [accumulator 220]

connected to low-pressure; column 7, lines 31-32] and wherein the action of pressure medium upon the rod-side chamber at the differential cylinder takes place from the same pressure accumulator which is charged to the pressure provided for the respective time segment [during high-pressure, accumulator 216 is charged; column 7, lines 45-48; and during low-pressure accumulator 220 is charged; column 8, lines 10-13].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Yoshikawa by having a two accumulators energy storage system as suggested by Kohno instead of one accumulator in order to greatly reduce the flow of the hydraulic fluid while allowing a high degree of control and providing good energy efficiency [Kohno, column 2, lines 30-34].

In regard to **claim 21**,

Yoshikawa discloses: that the rod-side face of the piston (rod-side face of the piston is also the chamber 7<sub>1</sub> and both face the same pressure) is acted upon by the first pressure again in a third time segment of the work cycle, which third time segment commences with the reversal in the direction of movement of the crank mechanism and ends at the latest at the time point in which the crank mechanism reaches the first reversal point (the third time segment of the work,  $\Delta t_{4+5}$ , where the slide 10 of the crank mechanism reverses back to first reversal point at time point T<sub>6</sub>, is basically the reversal of the initial work, illustrated and shown in the attached fig. 2 above, thus the first pressure is again applied in chamber 7<sub>1</sub> during the third time segment).

In regard to **claim 24**, Kohno discloses non-return valve [fig. 2A, valve 222] between second accumulator [220] and chamber. In regard to **claim 26**, Kohno discloses a first pump [208] and second pump [302].

In regard to **claims 27 and 28**, Yoshikawa discloses one fixed-displacement pump [8]. Kohno discloses one fixed-displacement pump [208] between first accumulator and chamber and second variable-displacement pump [302] between second accumulator and chamber.

However, it would have been obvious, absent a statement of **criticality**, to one having ordinary skill in the art at the time the invention was made to use a variable-displacement pump instead of a fixed-displacement pump, because they are art recognized well known functional equivalents as evidenced by Kohno [column 8, lines 19-25].

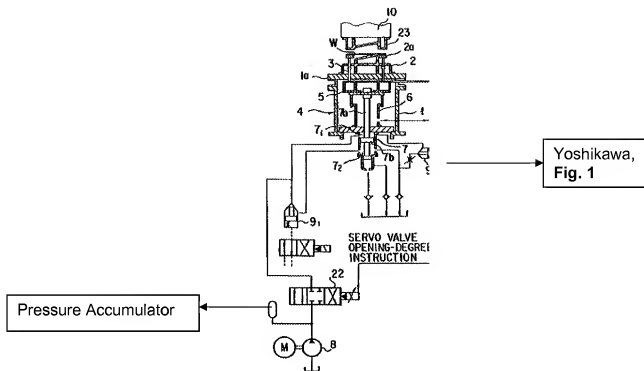
In regards to **claims 29 and 30**, Yoshikawa discloses logic valve 9<sub>1</sub>, or switch valve, that is between the accumulator and the chamber 7<sub>1</sub>, and controls the fluid flow communication (column 4, lines 35-37). In regards to **claim 31**, Yoshikawa discloses servo valve 22, or proportional valve, that is between the accumulator and the chamber 7<sub>1</sub>, and controls the fluid flow pressure (column 4, lines 33-35).

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 20 above, and further in view of Nagao et al. (US 6,205,828).

In regard to **claim 22**,

Yoshikawa does not explicitly disclose that the rod-side face of the piston (rod-side face of the piston is also the chamber 7<sub>1</sub> and both face the same pressure) is acted upon, further, by the second pressure in a third time segment of the work cycle, which third time segment commences with the reversal in the direction of movement of said piston and ends at the latest at the time point at which the crank mechanism reaches the first reversal point (as shown above in attached fig. 2, in the reverse path, the crank mechanism goes back to first reversal point. However, it would have been obvious for one having ordinary skill in the art at the time the invention was made to provide a second pressure being applied again in the reverse path in order to bring the die cushion 4 back to ready state for the next drawing process as evidenced by Nagao et al., fig. 11, where at stage S15-S16 pressure is applied again to restore the piston to its original position).





5. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 24 above, and further in view of Janos et al. (US 5,966,981).

In regard to **claim 25**,

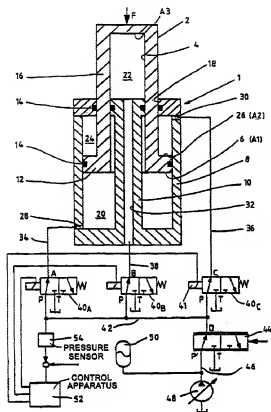
Modified Yoshikawa does not disclose a proportional valve, but discloses a servo valve (22) that controls the flow of pressure from accumulators to the chambers (7<sub>1</sub> and 7<sub>2</sub>) and from chambers to the tank (below pump 8). It would have been obvious, absent a statement of criticality, for one having ordinary skill in the art at the time the invention was made to substitute the servo valve with a proportional valve, because they were art

recognized well known functional-equivalents for controlling fluid flow, as evidenced by Janos et al. in column 8, line 10.

6. Claims 32-33 and 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 25 above, and further in view of Dantlgraber (US 6,145,307, cited in the applicant's IDS).

In regard to **claim 32**,

Yoshikawa does not disclose that the bottom-side face of the piston is divided into two parts. However Dantlgraber discloses a hydraulic cylinder acting against a load (abstract), where the piston has two-faced (A1 and A3; figure is copied below) bottom side and different pressure acts on them (each cavity 20, 24, and 22 are connected to a proportional valve 44, which is used to control the pressure in the cavities and can be used to select different pressure in order to advance the movement of the piston; column 5, lines 55-63; also column 1, lines 5-15). It would have been obvious for one having ordinary skill in the art at the time the invention was made to modify Yoshikawa's hydraulic cylinder into a multi-cavity hydraulic cylinder as suggested by Dantlgraber (shown below in the copied figure), because it would provide minimum energy consumption and minimum expense in terms of device technology (Dantlgraber, column 2, lines 1-6).



Dantigraber,  
single figure

In regard to **claim 33**,

Dantigraber discloses that the piston (2) of the differential cylinder (col 2, lines 47-49) is provided with a bore (inner bore 4), into which a piston (center column 10) fixed with respect to the housing engages, and that the supply of pressure medium to the inner bottom-side chamber (22) formed from the bore (inner bore 4) and the piston (center column 10) fixed with respect to the housing takes place via a duct (port bore 32) in the piston (center column 10) fixed with respect to the housing.

In regard to **claim 34**,

Kohno [fig. 14] discloses an electric motor [252] drives the pump [256] and the hydraulic machine via a common shaft [motor and pump connection line] and a flywheel [254].

In regard to **claims 35 and 36**,

Dantlgraber discloses a control apparatus, which can control the pressure distribution in the cavities 22, 24, 20 separately and can fluctuate the pressure in them in different time periods (see column 5, lines 46-54).

In regard to **claim 37**,

Yoshikawa discloses hydraulic machine (figs. 1 and 4, hydraulic cylinder 7) where the controller (fig. 4, 29) controls the tank pressure to move the die cushion down from the reversal point (shown above in paragraph 2, in the attached figure under the rejection of claim 20) at  $T_0$  to  $T_1$ .

In regard to **claim 38**,

Dantlgraber discloses non-return valve (distributing valves 40b, which has solenoid valve for restriction flow return, column 4, lines 1-2) that is between accumulator 50 and line 38 leading from the hydraulic machine 48 to cylinder 1.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD YUSUF whose telephone number is (571) 270-7487. The examiner can normally be reached on Monday-Friday 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on (571) 272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Supervisory Patent Examiner, Art Unit 3725

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